

## TOWN OF NORTH BROOKFIELD PUBLIC RECORDS ACCESS GUIDELINES

Effective January 1, 2017, the Massachusetts Public Records Law, G.L. c.66 and c.4, §7(26) provides that a municipality must, within 10 business days (Monday through Friday, excluding legal holidays), respond to a request for records by providing access to or a copy of such records, or explaining any delay or denial. These guidelines are intended to assist members of the public seeking access to public records in the custody of the Town of North Brookfield.

### I. General Information:

- a. Business Hours:
  - i. The regular business hours of North Brookfield Town Offices are Monday, Tuesday, Thursday 8:30AM-2:00PM, Wednesday 8:30AM-12:00PM.
- b. Records Access Officer Clerk
  - i. ***All public records requests for the town may be submitted to the Master RAO***; The Master RAO will record the requests made and then forward them to the **Record Access Clerks** to process. In addition, the Master RAO is available to answer questions to help facilitate the making of the public records requests.
  - ii. **Master RAO:** Tara M Hayes, *Town Clerk/MasterRAO*
    - a. 215 North Main St, North Brookfield, MA 01535
    - b. [townclerk@northbrookfield.net](mailto:townclerk@northbrookfield.net)
    - c. Tel: 508-867-0203
- c. Contact information for the Master RAO is also posted on the town website at [www.northbrookfield.net](http://www.northbrookfield.net) and at the Town Hall. The Town Clerk/Master RAO Office is open during the regular Town Hall business hours as posted above.
- d. **Records Access Clerks:** The Board of Selectmen appointed all Town Department Heads, Board/Committee Chairs and some Senior Clerks as Records Access Clerks.
  - i. Their duties will be to process public records requests for their department/board/committee received from the Master RAO in a timely manner. See Attachment A for a list of Records Access Clerks.
  - ii. **Public Records Law Information:** General information about the public records law and public records requests is found in the Secretary of the Commonwealth's, "A Guide to the Massachusetts Public Records Law," December 2022 edition, found online at:  
<https://www.sec.state.ma.us/divisions/public-records/download/guide.pdf>

### II. Making Public Records Requests:

- a. Public Records Requests: Any person may make a public records request:
  - i. In person at the Town Clerk/Master RAO Office; or
  - ii. By first class mail addressed to: Tara M Hayes, Town Clerk/Master RAO, 215 North Main St, North Brookfield, MA; or
  - iii. By e-mail addressed to: [townclerk@northbrookfield.net](mailto:townclerk@northbrookfield.net)
  - iv. Oral requests for public records will not be accepted by phone (950 CMR 32:06 la).
- b. Requests Encouraged to be in Writing: Although not required, it is strongly encouraged that public records requests be in writing to ensure the most efficient and accurate response. All written public records requests, including via e-mail, shall be addressed/directed to the Master RAO, and contain the requester's name and contact information so that the Master RAO is able to provide the required response. For the requester's convenience, a Voluntary Public Records Request Form is available at the Town Clerk's Office and on the town website, [www.northbrookfield.net/town-clerk](http://www.northbrookfield.net/town-clerk) under the caption "Public Records".
- c. Contact Information: Individuals making in person requests will not be

requested or required to give their names or contact information. For in-person requests that require additional time for a comprehensive response, requesters will be advised to check in periodically with the Master RAO or requesters may voluntarily provide contact information.

- d. Specificity of Requests: To facilitate timely responses to public records requests, requests should be as specific as possible, detailing, if known, records custodian(s), and date and subject matter parameters. The more specific the request, the better able the Town will be to respond, as broad requests often require more extensive staff efforts to locate, review and copy all possibly responsive records.
- e. Receipt of Requests: Written requests received during normal business hours, as defined in section A, "General Information (1)", will be considered received on that date. Written requests sent via e-mail or facsimile after normal business hours shall not be considered received until the following business day. Business days shall not include Saturdays, Sundays, and legal holidays.
- f. Purpose of Request: The RAO will not ask a requester to identify the purpose of the request, but may ask for more information to assist the requester to make an appropriate request and/or to enable the RAO to respond more efficiently. Exception will be to determine if the records are exempt or to determine whether the records are requested for a commercial purpose or whether to grant a request for a fee waiver (CMR 32:06 2h).

### **III. Responses to Public Records Requests:**

- a. Fees: If fees will be assessed, a written estimate of the same will be provided to the requester. Payment of the estimated fee will be required before commencing work.
- b. Response if Longer than Ten (10) Days or Denial in whole or in Part: If a full response, including provision of records, cannot be made within 10 business days of receipt of the request, the Master RAO or designee will respond to the requester in writing: explaining the anticipated time frame for complete response; identifying any records that the Town does not have in its custody; identifying records which the Town does not expect will be provided, or that will be redacted, specifying the relevant exemption and its application to the requested record or portion thereof; providing a good faith fee estimate; and including a statement of appeal rights.
- c. Clarification of Request: Depending upon the scope of the request, the requester may be asked to clarify the request, provide more specific detail, and/or agree to a voluntary extension of time for the Town to respond fully to the request.
- d. Time for Response Typically, a complete response will be provided within 25 business days of receipt of the requests. If due to the scope of the request, the need for redactions, or other complications, the Town is concerned that it will not be able to provide a complete response within that time frame, the Town may ask the requester for an extension of time to comply or petition the Supervisor of Public Records for additional time.
- e. Publicly Available Records: The Town maintains a searchable website at [www.northbrookfield.net](http://www.northbrookfield.net) where certain public records are available for inspection, downloading or printing. If a request seeks documents publicly available on the Town's website, the requester will be directed to the website in satisfaction of the request, unless the requester does not have the ability to receive or access the records in a usable electronic form.
- f. Electronic Records Delivery Preference: To the extent feasible, the Master RAO or designee will provide public records in response to a

request by electronic means unless the record is not available electronically or the requester does not have the ability to receive or access the records electronically. To the extent available and feasible, the RAO will provide an electronic record in the requester's preferred format.

- g. Request for Records to be Mailed: Should a requester seek to have responsive records provided by mail, the requester will be charged the actual cost of postage, using the least expensive form of mailing possible, unless the requester requests, and agrees to pay for, an expedited form of mailing and such fees are paid in advance.
- h. Creation of Records: The Town is only required to provide records that are in existence at the time of the request and is not required to create a new record to accommodate a specific request and not required to take a request for records that will be created at a future date.
- i. Answering Questions: The Town is not required to answer questions in response to a public records request.
- j. Supplementing Responses: The Town is not required to supplement its response to a previous public records request in the event that responsive records are created in the future.
- k. Unique Right of Access: Pursuant to the provisions of 950 CMR 32.06(1)(g), if a requester or requesters ' representative (such as an attorney), has "a unique right of access by statutory, regulatory, judicial or other applicable means", request for records will not be considered a G.L, c.66, §10 public records request.

#### IV. Categories of Records:

- a. Attachment "A" describes the different categories of records maintained by the Town. Reference of specific records maintained by various Town departments can be made to the Municipal Records Retention Schedule, issued by the Supervisor of Public Records, and found at [https://www.sec.state.ma.us/divisions/public-records/download/Municipal\\_Retention\\_Schedule\\_20220901.pdf](https://www.sec.state.ma.us/divisions/public-records/download/Municipal_Retention_Schedule_20220901.pdf), which schedule identifies various categories of records maintained by municipal departments and so-called "records in common."

#### V. Exemptions:

- a. Exemptions/Redaction/Withholding: Some public records, or portions of records, may not be provided in response to a public records request because the Town has determined such records to be exempt from disclosure pursuant to the provisions of
  - i. G.L. c.4 §7(26), the attorney-client privilege, or other applicable exemptions or common law privileges. For more information about exemptions to the Public Records Law, see the Secretary of the Commonwealth's, "A Guide to the Massachusetts Public Records Law," December 2022 edition, available at <https://www.sec.state.ma.us/divisions/public-records/download/guide.pdf>

#### VI. Fees:

- a. Reasonable Fees: In some circumstances, the Town may assess a reasonable fee for the production of public records,
- b. Categories of Permissible Charges. Permissible charges include, but are not limited to:
  - i. five cents (\$0.05) per page of black and white printouts or copies.

- ii. actual cost for storage devices or material such as CDs or thumb/flash drives;
  - iii. actual cost for duplication of records not susceptible to ordinary means of reproduction, such as color copies and large format plans;
  - iv. postage fees (where applicable; see section C7, above); and
  - v. fees for employee time required to satisfy a public records request (see paragraph 3 below)
  - vi. No copying fee will be charged for records provided in electronic form.
- c. Employee Time for Location and Segregating Records: A fee may be charged for employee time necessary to identify, locate, and compile the records requested. A fee may also be charged for employee time necessary to review, and, as applicable, segregate and/or redact information exempt from public disclosure. The hourly rate for such fees shall be the hourly rate of the lowest paid employee with the necessary skills required to perform the task, provided however, that this hourly rate shall not exceed twenty-five dollars (\$25.00) per hour, unless the Town has obtained the approval of the State Supervisor of Public Records to charge a higher hourly rate. Depending upon the nature of the request, different rates may be charged for different types of work (i.e., a different hourly rate for search time and a different hourly rate for segregation/redaction time).
- d. North Brookfield being a Community of Less than 20,000 Residents: As of the most recent US Census, (2020 Decennial Census), the Town had 4,735 residents. See <https://malegislature.gov/Redistricting/MassachusettsCensusData/CityTown>. In accordance with 950 CMR 32.07(2)(m)(2), therefore, the Town may assess fees for all employee time, including the first two hours.
- e. Requests for Commercial Purposes: Said fee limitations may not apply when a request for records is for a commercial purpose as determined by the Commonwealth's Supervisor of Records.
- f. Petition for Higher Fee: In certain circumstances, the Town may petition the Supervisor of Public Records for permission to assess fees for employee time at a rate in excess of \$25.00 per hour.

## VII. Appeals:

- a. If a requester wishes to assert a claim that they have been denied access to public records, they may appeal the RAO's determination to the Supervisor of Records pursuant to 950 CMR 32.08(1). The supervisor shall make a final determination on the appeal within ten (10) business days of receipt.
- b. If the requester is dissatisfied with the determination of the Supervisor of Records, the requester may appeal to Superior Court. Alternatively, a requester may bypass the Supervisor and go directly to Superior Court.
- c. For further information on appeals, see the Secretary of the Commonwealth's "A Guide to the Massachusetts Public Records Law," December 2022 edition, found online at: <https://www.sec.state.ma.us/divisions/public-records/download/guide.pdf>

Adopted by North Brookfield Board of Selectmen: \_\_\_\_\_

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Jason M Petraitis, Chair

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John Tripp

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Elizabeth Brooke Canada

**Attachment "A"**

Below is a list of the Records Access Clerks appointed by the Board of Selectmen and a list of categories of public records maintained by the town. All public records requests should be submitted to the Master RAO in order to record and process all request in a timely manner. Information regarding the Master RAO is shown on page 1.

<i>Department/Board/Categories</i>	<i>Appointed Records Access Clerk</i>
Accountant	Shiela Leblanc
Administration	Ashley Barre
Animal Control	Jeffrey Martin
Assessors	Sheila Buzzell
Board of Health	Ethan Melad
Building Department	John Couture
Cemetery Commission	Kirk Burnham
Conservation Commission	Christine Morrison
Council on Aging	Judy Manning
Cultural Council	Karen Erickson
Finance Committee	Joseph Trentacosta
Fire Department	Chief Joseph Holway
Highway Department/Tree Warden	Jason Benoit
Historical Commission	Jack McClintock
Housing Authority	Ashlie Wolf
Library	Amy Vessella
Library Trustees	Margaret Bodine
Planning Board	William King
Police Department	Chief Mark Smith
School Department	Tim McCormick
Sewer Department	James Nyberg
Tax Collector	Lisa Taylor
Town Clerk/Master RAO	Tara Hayes
Treasurer/Health Insurance Advisory	Allyson Bulger
Veteran's Agent	Holly Kularski
Water Department	Jamie Flamand